

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEVEN C. LOGSDON,

Plaintiff,

vs.

BNSF RAILWAY COMPANY,

Defendant.

8:15-CV-232

MEMORANDUM AND ORDER

This matter is before the Court on the defendant's objection (filing [133](#)) to the Magistrate Judge's Memorandum and Order, both initially and on reconsideration (filing [111](#); filing [132](#)), regarding the plaintiff's motion to compel (filing [82](#)). The defendant's objection will be overruled.

The plaintiff moved to compel discovery of materials used to educate and train certain management officials employed by the defendant.¹ Specifically, the plaintiff requested, among other documents, "a copy of the actual training materials/training module used in Gillette, Wyoming to train certain BNSF employees . . . on the FRSA/OSHA whistleblower laws[.]" Filing [111](#) at 2. The defendant objected to this request, claiming that the document was protected by attorney-client privilege and was, in any event, irrelevant to the plaintiff's underlying claim. See filing [90](#) at 2. The Magistrate Judge overruled the defendant's objection, both initially and on reconsideration, concluding in part that the document "do[es] not provide specific legal advice and disclosure will not reveal confidential client communications." Filing [111](#) at 4.

The defendant objects to the Magistrate Judge's orders, reiterating its position regarding relevance and attorney-client privilege. However, having reviewed the record for clear error, 28 U.S.C. § 636(b)(1)(A), the Court finds no basis for departing from the Magistrate Judge's findings and recommendation. Accordingly,

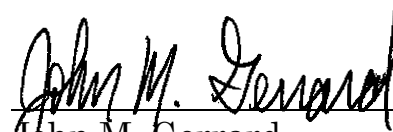
¹ The plaintiff sought several training-related documents, which the Magistrate Judge granted in part, and denied in part. Filing [111](#). However, the underlying objection only pertains to the plaintiff's "Request for Production No. 45", and more specifically, to a 2015 "Law Department" presentation, which the Court has reviewed. See Filing [133](#) at 1.

IT IS ORDERED

1. The defendant's objection (filing 133) is overruled.
2. The defendant's motion to stay (filing 134) is denied as moot.

Dated this 17th day of February, 2017.

BY THE COURT:



John M. Gerrard
United States District Judge